

Docket No. 127304.00901

123 Rec'd PCT/PTO 20 JAN 2006

PATENT #4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Gruskin, et al.

Application No.: 10/524,495

Filed: February 14, 2005

For: CHIMERIC PROTEINS

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Confirmation No. 6177

Group Art Unit: not yet assigned

Examiner: not yet assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application

mailed October 18, 2005, submitted herewith are the following:

- Copy of Notice of Missing Parts dated August 19, 2005;
- Executed Oath and Declaration;
- Sequence Listing in paper (3 sheets ) and computer readable format (2 CD-Rs);
- Statement Concerning Sequence Listing (1 sheet);
- Petition for Extension of Time;
- Checks in the amount of \$510.00 and \$65.00; and
- Certificate of Mailing.

01/21/2006 ATRAM 00000063 10524495

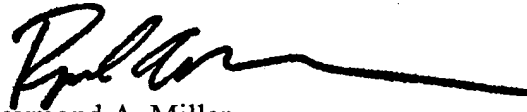
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Please charge any shortage in fees due in connection with the filing of these papers, including extension of time fees, to Deposit Account No. 50-0436, and please credit any excess fees to such deposit account.

Respectfully submitted,

PEPPER HAMILTON LLP

A handwritten signature in black ink, appearing to read 'Raymond A. Miller', with a long horizontal flourish extending to the right.

Raymond A. Miller  
Registration No. 42,891

One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 454-5000  
Fax: (412) 281-0717  
Date: January 17, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,495	Elliott A Gruskin	127304.00901

INTERNATIONAL APPLICATION NO.
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PCT/US03/26214

I.A. FILING DATE	PRIORITY DATE
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08/14/2003

08/15/2002

Pepper Hamilton  
 500 Grant Street 50th Floor  
 Pittsburgh, PA 15219

**CONFIRMATION NO. 6177**  
**371 FORMALITIES LETTER**  
**\*OC000000016827052\***  
 \*OC000000016827052\*

Date Mailed: 08/19/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/14/2005
- Copy of the International Search Report filed on 02/14/2005
- U.S. Basic National Fees filed on 02/14/2005
- Priority Documents filed on 02/14/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

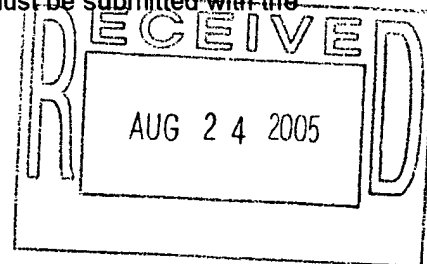
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at



63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**

Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,495	PCT/US03/26214	127304.00901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
Gruskin, et al. : Confirmation No. 6177  
Application No.: 10/524,495 : Group Art Unit: not yet assigned  
Filed: February 14, 2005 : Examiner: not yet assigned  
For: CHIMERIC PROTEINS

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

DATE OF DEPOSIT: January 17, 2006

I HEREBY CERTIFY THAT THIS PATENT RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA UNITED STATES POST OFFICE UNDER 37 C.F.R. § 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS, BOX PCT, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Kathleen Pujol

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

**Documents Sent:**

- ☒ Response to notification of missing requirements under 35 USC 371 in the United States designated/elected office;
- ☒ Copy of Notice;
- ☒ Petition for Extension of Time;
- ☒ Executed Oath and Declaration;
- ☒ Sequence Listing in Paper (3 sheets) and CD-R Format (2 CD-R)
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